

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE COMMISSIONER OF PATENTS AND TRADEMARKS



In the Patent of

)
JOAQUIN A. LANGER,
STEVE A. KOLENIK,
MARLIN S. HEILMAN,
MIECZYSLAW MIROWSKI and
MORTON M. MOWER
)

Patent No.: 4,407,288
Issued: October 4, 1983
Assignee: Mieczyslaw Mirowski

For: IMPLANTABLE HEART STIMULATOR
AND STIMULATION METHOD
)

Response to Order to Show Cause

Commissioner of Patents and Trademarks
Washington, DC 20231

Attention: Charles E. Van Horn
Deputy Assistant Commissioner for Patent Policy and Projects

Dear Sir:

In response to the Order to Show Cause dated August 19, 1994, please consider the following.

1. Mieczyslaw Mirowski, M.D., died on March 26, 1990.
2. Mrs. Anna Mirowski, Dr. Mirowski's widow, is Personal Representative of the Estate of Mieczyslaw Mirowski, as shown by the enclosed sealed Letters of Administration.
3. In 1985, prior to Dr. Mirowski's death, he personally consented to assignment of a previously-granted exclusive license under US 4,407,288 to Eli Lilly and Company.
4. Cardiac Pacemakers, Inc., a wholly owned subsidiary of Eli Lilly and Company, conducts business on behalf of Eli Lilly and Company in the US Patent and Trademark Office, including business with respect to US 4,407,288. I am authorized to act on behalf of Cardiac Pacemakers, Inc. in regard to all its matters before the US Patent and Trademark Office.
5. The enclosed Declaration by Mrs. Mirowski confirms that Cardiac Pacemakers, Inc., by Peter Forrest, applied for an application for patent term extension for US 4,407,288 with the consent of the Estate of Mieczylaw Mirowski.

Therefore, I submit that the application for patent term extension of US Patent 4,407,288 was properly made by an agent of the owner and should not be denied under 35 USC §156(a)(3).

If you have any questions, please contact me at your convenience.

Very truly yours,



Peter Forrest

Registration Number 33,235

Assistant Secretary of Cardiac Pacemakers, Inc.

September 06, 1994

CARDIAC PACEMAKERS, INC.
Mail Stop A390
4100 Hamline Avenue North
St. Paul, MN 55112-5798 USA
1-800-CARDIAC, ext. 4400 (voice)
(612) 582-4400 (direct voice)
(612) 582-2926 (facsimile)



State of Maryland
LETTERS OF ADMINISTRATION

Estate No. 69669

I certify that administration of the Estate of

Mieczyslaw Mirowski

was granted on the 6th day of June, 1990,

to Anna Mirowski

as personal representative and the appointment is in effect

this 17th day of August, 1994.

Will probated June 6, 1990
(date)

Intestate estate.

Peter J. Basilone
Register of Wills

Baltimore County

DECLARATION

I, Anna Mirowski, am Personal Representative of the Estate of my late husband, Mieczyslaw Mirowski, owner of record of US Patent 4,407,288.

Prior to his death in 1990, Mieczyslaw Mirowski granted an exclusive license under US Patent 4,407,288 to Eli Lilly and Company.

From 1985 to date, the assignee of such exclusive license has been Eli Lilly and Company, acting through its wholly-owned subsidiary, Cardiac Pacemakers, Inc.

Since my appointment as Personal Representative of the Estate of Mieczyslaw Mirowski, the relationship with Eli Lilly and Company and Cardiac Pacemakers, Inc. under the exclusive license from Mieczyslaw Mirowski remains in effect.

In July, 1994, Dr. Morton M. Mower, Vice President of Medical Sciences of Cardiac Pacemakers, Inc., discussed with me that Mr. Peter Forrest, a registered patent attorney employed by Cardiac Pacemakers, Inc., wished to act on behalf of the Estate of my late husband to apply for patent term extension of US Patent 4,407,288.

I confirm that the application for patent term extension made on August 16, 1994 for US Patent 4,407,288 by Mr. Peter Forrest was done with my consent and hence the consent of the Estate of Mieczyslaw Mirowski.

Attached hereto is a Nunc Pro Tunc Appointment of Peter Forrest to serve as agent of the Estate of Mieczyslaw Mirowski to conduct business before the US Patent and Trademark Office in connection with US Patent 4,407,288.

All statements above made of my own knowledge are true, and all statements above made on information and belief are believed to be true. I make these statements with the knowledge that willful false statements and the like are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and further that such willful false statements may jeopardize the extension of the term of US Patent 4,407,288.

Date

Sept. 14 - 1994

Anna Mirowski
ANNA MIROWSKI
Personal Representative of the Estate
of Mieczyslaw Mirowski
2405 Velvet Valley Way
Owings Mills, Maryland 21117

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of :
Langer et al. :
:
:
:
Patent No.: 4,407,288 : Issue Date: October 4, 1983
:
Filed: March 16, 1981 : Examiner: William E. Kamm
:
For: IMPLANTABLE HEART : Atty Docket: 47076-002
STIMULATOR AND
STIMULATION METHOD :
:
:

NUNC PRO TUNC APPOINTMENT OF ATTORNEY AND/OR AGENT

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

Through this Nunc Pro Tunc Appointment, I hereby confirm that on or about July 1994, I granted Power of Attorney to Peter Forrest (Reg. No. 33,235) of Cardiac Pacemakers, Inc., as attorney and/or agent for the purpose of obtaining a patent term extension of the above-identified patent. I also reaffirm my appointment of Peter Forrest as my attorney and/or agent to prosecute all matters regarding the above-identified patent and transact all business in the U.S. Patent and Trademark Office connected therewith, including the right to appoint associate attorneys.

In accordance with 37 C.F.R. § 1.33(c), correspondence should be sent to the below-mentioned address.

Direct Telephone Calls to:
(612) 582-4400

Send Correspondence to:
Attn: Peter Forrest
CARDIAC PACEMAKERS, INC.
Mail Stop A390
4100 Hamline Avenue North
St. Paul, MN 55112-5798 USA

Date: Sept. 14-1994


ANNA MIROWSKI
Personal Representative of the
Estate of Mieczyslaw Mirowski
2405 Velvet Valley Way
Owings Mills, Maryland 21117



13

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:

Alois A. LANGER et al.

Patent No. 4,407,288

Issue Date: October 4, 1983

Filed: March 16, 1981

Examiner: William E. Kamm

For: IMPLANTABLE HEART
STIMULATOR AND
STIMULATION METHOD

Atty Docket: 47076-190

DEPUTY ASSISTANT
COMMISSIONER FOR PATENTSRECEIVED
94 SEP 20 AM 10:02TRANSMITTAL LETTER

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Attn: Charles E. Van Horn
Deputy Assistant Commissioner for Patent Policy and Projects

Sir:

Transmitted herewith are:

Response to Order to Show Cause (with Letters of Administration).

Declaration.

Nunc Pro Tunc Appointment of Attorney and/or Agent.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary, then such extensions of time are hereby petitioned under 37 CFR § 1.136(a), and any fees required for consideration of the attached (including fees for net addition of claims) are hereby authorized to be charged, or credit any overpayment, to our Deposit Account No. 11-0275. A duplicate copy of this Letter is attached.

Respectfully submitted,

KECK, MAHIN & CATE



By: Ronald D. Cohn
Ronald D. Cohn
Registration No. 25,203

Date: September 19, 1994
P.O. Box 06110
Chicago, IL 60606-0110
Washington, D.C. Office
Telephone: (202) 789-3400
Attorney Docket: 47076-190
RDC/TEM



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REMADE
RE Patent of:
Alois A. LANGER et al.
Patent No. 4,407,288
Filed: March 16, 1981
For: IMPLANTABLE HEART
STIMULATOR AND
STIMULATION METHOD

Issue Date: October 4, 1983
Examiner: William E. Kamm
Atty Docket: 47076-190

TRANSMITTAL LETTER

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

**Attn: Charles E. Van Horn
Deputy Assistant Commissioner for Patent Policy and Projects**

Sir:

Transmitted herewith are:

X Response to Order to Show Cause (with Letters of Administration).

X Declaration.

X Nunc Pro Tunc Appointment of Attorney and/or Agent.

X It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary, then such extensions of time are hereby petitioned under 37 CFR § 1.136(a), and any fees required for consideration of the attached (including fees for net addition of claims) are hereby authorized to be charged, or credit any overpayment, to our Deposit Account No. 11-0275. A duplicate copy of this Letter is attached.

Respectfully submitted,

KECK, MAHIN & CATE

By: Ronald D. Cohn
Ronald D. Cohn
Registration No. 25-203

Date: September 19, 1994
P.O. Box 06110
Chicago, IL 60606-0110
Washington, D.C. Office
Telephone: (202) 789-3400
Attorney Docket: 47076-190
RDC/TEM

Attorney Docket No. 1703941

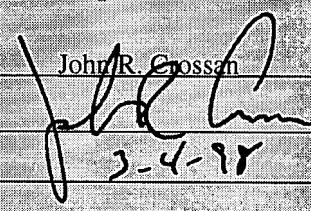
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Issued Patent of:

ALOIS A. LANGER ET AL.
U.S. PATENT NO. 4,407,288

Issue Date: October 4, 1983

For: IMPLANTABLE HEART STIMULATOR AND STIMULATION METHOD

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service by First Class mail in an envelope addressed to the Assistant Commissioner for Patents, Box M. FEE, Washington, DC 20231 on the date indicated below:	
Name:	John R. Crossan
Signature:	
Date:	3-4-98

Box M. FEE
Assistant Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL LETTER

Dear Sir:

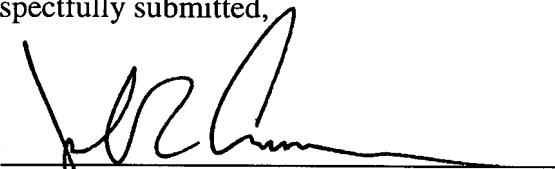
Transmitted herewith are following papers for filing with the United States Patent and Trademark Office in association with the above-captioned matter:

1. PAYMENT OF DIFFERENCE IN MAINTENANCE FEES DUE IN VIEW OF ERROR IN NOT NOTIFYING THE PATENT OFFICE OF LOSS OF SMALL ENTITY STATUS, and 2. LETTER UNDER 37 C.F.R. § 1.366(F) CONCERNING CHANGE IN SMALL ENTITY STATUS.

The Commissioner is hereby authorized to charge \$2,430.00 under 37 C.F.R. 1.17 or credit any overpayments to Deposit Account No. 50-0305. A duplicate copy of this letter is enclosed.

Respectfully submitted,

By


John R. Crossan
Reg. No. 27,433,
ATTORNEY FOR APPLICANT

CHAPMAN AND CUTLER
111 West Monroe Street
Chicago, Illinois 60625
(312) 845-3000

PAYOR NUMBER
000136

FLEIT, JACOBSON, COHN, PRICE,
HOLMAN & STERN
THE JENIFFER BUILDING
400 SEVENTH STREET, N.W.
WASHINGTON, DC 20004-2201

DATE MAILED
11/28/90
121478

MAINTENANCE FEE STATEMENT

The data shown below is from the records of the Patent and Trademark Office. If the maintenance fees and any necessary surcharges have been timely paid for the patents listed below, the notation "PAID" will appear in column 10, "status" below.

If a maintenance fee payment is defective, the reason is indicated by code in column 10, "status" below. An explanation of the codes appears on the reverse of the Maintenance Fee Statement. TIMELY CORRECTION IS REQUIRED IN ORDER TO AVOID EXPIRATION OF THE PATENT. NOTE 37 CFR 1.37. THE PAYMENT(S) WILL BE ENTERED UPON RECEIPT OF ACCEPTABLE CORRECTION. IF PAYMENT OR CORRECTION IS SUBMITTED DURING THE GRACE PERIOD, A SURCHARGE IS ALSO REQUIRED. NOTE 37 CFR 1.20(k) and (l).

If the statement of small entity status is defective the reason is indicated below in column 10 for the related patent number. THE STATEMENT OF SMALL ENTITY STATUS WILL BE ENTERED UPON RECEIPT OF ACCEPTABLE CORRECTION.

ITEM NBR	PATENT NUMBER	FEES CDE AMOUNT	SUR CHARGE	SERIAL NUMBER	PATENT DATE	FILE DATE	PAY SML YR ENT STAT
1	4,407,288	10171	495	----	06/24/83	10/04/83	03/16/81 08 YES PAID

If the "status" column for a patent number listed above does not indicate "PAID" a code or an asterisk (*) will appear in the "status" column. Where an asterisk (*) appears, the codes are set out below by the related item number. An explanation of the codes indicated in the "status" column and as set out below by the related item number appears on the reverse of the maintenance fee statement.

ITEM NBR	ATTY DKT NUMBER
1	Y153A